



# TOWN OF NEW WINDSOR

## ZONING BOARD OF APPEALS

### Regular Session

Date: MAY 10, 2004

## AGENDA

7:30 p.m. – Roll Call

### PRELIMINARY MEETINGS:

1. **THOMAS LARKE (04-32)** Request for 10 ft. Front Yard Setback for proposed pool on a corner lot (48-21, G(1) at 221 Lake Road in an R-4 Zone **(59-2-3.3)**
2. **VICTOR REICH (04-34)** Request for 10 ft. Rear Yard Setback for proposed 16 ft X 35 ft. attached rear deck at 2417 Settlers Ridge in an R-3 Zone **(77-11-4)**
3. **WILLIAM BYWATER (04-33)** Request for 15 ft. Front Yard Setback for proposed front/side addition (Bulk Tables Use 6-E) at 115 Birch Drive in an R-3 Zone **(67-2-1)**
4. **KATHLEEN CAMPBELL (04-23)** Request for 6.4 ft. Side Yard Setback (48-14,A-1b) for existing shed at 322 Linden Avenue in an **R-4 Zone (62-4-12.1)**
5. **DONALD DEMATTEO (04-35)** Request for 12 ft. 9 inches for Rear Yard Setback for proposed 16ft. X 16ft. deck at 2816 Cherry Tree Way in an R-3 Zone **(77-1-19)**

### PUBLIC HEARINGS:

6. **ELLA MAE HARRIS (#04-12) (P.B. # 03-25)** Request for:

<b>LOT#1:</b>	62,777 ft. Minimum Lot Area	<b>LOT #2:</b>	57,666 ft. Minimum Lot Area
	35 Ft. Front Yard Setback		19.4 ft. Rear Yard Setback
	6% Developmental Coverage		57.4 ft. Frontage
<b>All at 62 Riley Road in an R-3 Zone (67-4-1.2)</b>			

7. **ANTHONY ALBANESE (04-22)** Request for 16 ft. Rear Yard Setback for proposed deck at 2301 Pioneer Trail in an **R-3 Zone (77-9-1)**
8. **MELVIN BYNUM (04-24)** Request for 11 ft. Front Yard Setback for existing roof over front porch (48-12, E-8) at 237 Oak Street in an **R-4 Zone (24-5-20)**
9. **RICHARD FARROW (04-25)** Request for 7 ft. Side Yard Setback and; 23 ft. Rear Yard Setback(48-12; Column G-8) for existing attached pool deck at 545 Shore Drive in an **R-4 Zone (62-9-23)**
10. **JOHN BROWN (04-26)** Request for 6 ft. fence to project closer to the road than existing house (48-14-C-1-(C-1) at 2702 Colonial Drive in an **R-3 Zone (77-2-14)**

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

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MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
MICHAEL REIS  
JOSEPH MINUTA

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD  
STEPHEN RIVERA

REGULAR MEETING

MR. KANE: I'd like to call to order the May 10, 2004  
meeting of the New Windsor Zoning Board.

PRELIMINARY MEETINGS:

THOMAS LARKE (04-32)

Mr. Thomas Larke appeared before the board for this proposal.

MR. KANE: Request for 10 ft. front yard setback for proposed pool on a corner lot at 221 Lake Road in an R-4 zone. We ask that you speak loud enough so this young lady over here can hear you. So tell us exactly what you want to do.

MR. LARKE: Good evening, my name is Thomas Larke, I reside at 221 Lake Road in Salisbury Mills. I'm looking to put an above-ground 24 foot pool in the back yard but because of my lot I guess it's considered front property so I want to, I'm guessing go ten feet over the norm.

MR. KANE: For anybody else here for a preliminary meeting, what the Town of New Windsor does is they set up the two meetings, preliminary so we can get an understanding of what you want to do and tell you what we need from you, then by law everything takes place in a public hearing. Some towns just go straight to the public, there's no preliminary and if you're not on board with what we need, then you probably lose right there and then. So what we, what I would like anybody to do is pictures for the public everything that we'll ask you now we'll do again for the public meeting so it's kind of like a preliminary, you get a feel for what's going on. First thing I'd like to ask you for we've got pictures, great. And that I would call a corner lot. Putting it behind your house?

MR. LARKE: Yes, sir.

MR. KANE: It's not an option?

MR. LARKE: No.

MR. KANE: Show me what we're looking at?

MR. LARKE: This is the main road which is Lake, this is Hillcrest and the back yard, the house is here, the structure is here, the pool is not directly behind the house, it's offset.

MR. KANE: Is it existing now?

MR. LARKE: No, I'm proposing.

MR. KANE: Why couldn't that go over here?

MR. LARKE: Number one, no sunlight there, number two, yeah, we wouldn't have enough room in between here, it's just too tight to put the pool, it's more of an open area, it's a little deceiving on a diagram, it's very open.

MR. KANE: Anymore of a slope?

MR. LARKE: No, it's a flat parcel.

MR. KANE: But over here you would consider the pool to be in a safer area of your property?

MR. LARKE: Yes, sir.

MR. MINUTA: Will you be extending the deck to the pool?

MR. LARKE: I would like to down the road, there's an existing deck there.

MR. KANE: Then your offsets, so you know, if you have a pool and you have a deck on that pool and that deck attaches to your deck that attaches to your house, your offsets all change, your rear yard offset would go from

where he is it's ten foot, Mike?

MR. BABCOCK: Yeah, ten foot, I'm sorry.

MR. KANE: He would go to 40 then right if he had a deck connected to his house?

MR. BABCOCK: Well, his front yard setback is 35 feet, it's kind of a tough measure, if you see he has a three sided lot, two of them are front yards.

MR. KANE: But if that deck connected to the pool, would the rear yard offset change? I know it would on most properties.

MR. BABCOCK: We're saying he's putting the pool in the front yard, we're saying he must be 35 feet which a deck would have to be 35 feet and he's only proposing 25 feet so he needs a ten foot variance so no, I think if he attaches as long as his deck doesn't go closer to the street than the pool he should be okay.

MR. KANE: Just want to make sure if in the future five years then you find out I should of took care of it all up front.

MR. LARKE: The deck is off the back of the house, I would just come in where the street side is here.

MR. KANE: Just want to make sure you're clear. Cutting down any trees or substantial shrubbery?

MR. LARKE: No.

MR. REIS: That ten foot that you're looking for, Tom, anticipating you do do a deck in the future, we're talking from the Lake Road side front yard?

MR. KANE: Right.

MR. REIS: As long as your deck doesn't go out any further than the existing pool.

MR. LARKE: Yes, I follow.

MR. REIS: No, sir going over any easements or right-of-ways?

MR. LARKE: No none.

MR. KANE: Won't create water hazards or runoffs?

MR. LARKE: No, it's a flat parcel, there's one house and like I said, I'm on the road, no other.

MR. KANE: If you had a regular lot, he wouldn't be here?

MR. BABCOCK: That's correct.

MR. KANE: And the pool itself you don't consider oversized for the neighborhood?

MR. LARKE: No, it's compatible with other pools in the neighborhood certainly.

MR. KANE: Gentlemen?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we set up Mr. Tom Larke for a public hearing for his request for a ten foot front yard setback for proposed pool at 221 Lake Road.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MS. MASON: This tells you what to do next.

MR. KANE: In the public hearing, you'll be doing the same thing, same questions, kind of repetitive.

MR. LARKE: Thank you very much.

VICTOR REICH (04-34)

MR. KANE: Request for 10 ft. rear yard setback for proposed 16 ft. x 35 ft. attached rear deck at 2417 Settlers Ridge in an R-3 zone.

Mr. Victor Reich and Mr. Richard Spoto appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. REICH: I'd like to build a deck on the back of my house, attached to the back of the house.

MR. KANE: And that's going to take the place of the stairs that you have coming out like this?

MR. REICH: That's correct.

MR. KANE: Obviously, without the deck there, you would consider it more of a safety issue too than just having the steep stairs?

MR. REICH: Yes.

MR. KANE: Have to ask the obvious questions, cutting down any trees or substantial shrubbery to build the deck in this area?

MR. REICH: No.

MR. KANE: Creating any water hazards or runoffs?

MR. REICH: No.

MR. KANE: Going over any easements whatsoever?

MR. REICH: No.

MR. KANE: Can you tell me so you're coming 16 foot out

to the back of the house, so the 35 length really doesn't have anything to do with it, it's the 16 foot?

MR. REICH: That's correct.

MR. KANE: And you consider the size of the deck to be similar as other decks that are in your neighborhood?

MR. REICH: Yes.

MR. SPOTO: House next door is almost identical.

MR. KANE: Is this a proposed house or is this your house existing right now?

MR. REICH: That's my house existing.

MR. KANE: Mike, are we ever going to require the builders to put a little deck on the back of the house instead of a set of steps going down? I mean, everybody wants a deck on the back of their house, 5 degree set of steps, pet peeve.

MR. SPOTO: You can't do anything with them.

MR. KANE: You gentlemen have any other questions?

MR. REIS: You're not going over any right-of-way?

MR. REICH: No, I'm not familiar with some of the terms, so I apologize.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we set up Victor Reich for a public hearing for his requested variance for a ten foot rear yard setback for proposed attached rear deck at 2417 Settlers Ridge.

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MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

THOMAS LARKE - CONTINUED

MR. BABCOCK: On the first applicant, Mr. Larke, after the meeting, I asked him to point out to me where his deck, if he put the deck up for the pool and when he showed me the area that he wants to put the deck he's going to require a variance. His house is 48 feet from the property line in that area and right now the existing deck he's got is probably closer than 40 feet so when he ties onto that so he's going to give me the measurement what that is and he would require a rear yard setback so do we need a new motion just so that we have the record straight?

MR. KRIEGER: Yeah, move to amend the motion to add that.

MR. BABCOCK: It will be a rear yard setback and once he gives me the measurements, I will pass them on to Myra, we'll adjust them.

MR. KANE: So what you're saying is I was right?

MR. BABCOCK: Yes, you were, you were correct, Mr. Chairman.

MR. REIS: So moved.

MR. KANE: Do we know how many feet?

MR. BABCOCK: No, it's going to be a rear yard.

MR. KANE: So we're going to move here to add an undetermined at this moment amount of feet for a rear yard setback for a proposed deck.

MR. BABCOCK: It's a very small amount, he's probably close to the 40 feet, he's going to three or four feet so he's, you know, somewhere in there.

MR. KANE: Want to put like six or seven feet or under?

MR. BABCOCK: I'd rather him measure it.

MR. KANE: For the proposal right now we believe it to be six or seven feet under.

MR. MINUTA: That's not to say it will be. I'd second that motion.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

WILLIAM BYWATER (04-33)

MR. KANE: Request for 15 ft. front yard setback for proposed front/side addition at 115 Birch Drive in an R-3 zone.

Mr. William Bywater appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. BYWATER: Put a second story addition, attached mud room and garage and with the porch on the front of the house it creates a new front distance between the edge of the property and the front of the construction.

MR. KANE: So you want to put a front porch here?

MR. BYWATER: And a garage here.

MR. KANE: The front porch is going to take the place of the porch that's existing there now?

MR. BYWATER: Yes.

MR. KANE: Will the front of the home be extending closer to the road than any other homes that are on your block?

MR. BYWATER: I don't think so.

MR. KANE: So to your knowledge it is not?

MR. BYWATER: No.

MR. KANE: Creating any water hazards or runoffs with the building of this?

MR. BYWATER: No.

MR. KANE: Cutting down any trees or substantial shrubbery?

MR. BYWATER: No.

MR. KANE: Any easements in the area?

MR. BYWATER: Our street is a private road but it doesn't go over the private road.

MR. KANE: With adding the garage and the addition you're not substantially changing the character of the neighborhood?

MR. BYWATER: No.

MR. MINUTA: Question, I didn't catch the last part of that, the addition will be a porch on the front and then also in addition to the house you're extending the porch?

MR. BYWATER: There's no porch now, just a slab so it will have a 4 foot porch just so you're out of the rain and a whole second floor addition which doesn't create any new setback attached to the main building, a mud room 10 x 12, something like that and then a standard two car garage.

MR. BABCOCK: The existing structure is 34 foot eight inches off the property and once he puts the second floor on with the roof over the slab he will be 30 foot 9 inches so he's only coming out 4 foot minimum.

MR. KANE: May we add that to the record or do you need that?

MR. BYWATER: No, keep it.

MR. MINUTA: Accept a motion?

MR. KANE: Sure.

MR. MINUTA: I make a motion that we forward Mr. Bywater and Mrs. Bywater to a public hearing for requested 15 foot front yard setback at the proposed front side addition at 115 Birch Drive in an R-3 zone.

MR. REIS: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

KATHLEEN CAMPBELL (04-23)

MR. KANE: Request for 6.4 ft. side yard setback for existing shed at 322 Linden Avenue in an R-4 zone.

Ms. Kathleen Campbell appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MS. CAMPBELL: It's already there, I bought a house and it has a shed and the shed is in the side yard and apparently it's too close to the property line and the property next door is a small piece of property owned by Beaver Dam Water Corporation and they don't mind because I let them use my driveway.

MR. KANE: The shed was there when you purchased the home?

MS. CAMPBELL: Yes, I moved in March of last year.

MR. KANE: Mike, do we have any idea on how old the shed is?

MS. CAMPBELL: I think it's four or five years.

MR. KANE: Anything in the record at all?

MR. BABCOCK: I'm looking.

MR. KANE: Have there been any complaints formally or informally about the shed to your knowledge?

MS. CAMPBELL: No.

MR. KANE: Create any water hazards or runoffs, cutting down of any trees or shrubbery?

MS. CAMPBELL: Yeah, I know, no.

MR. KANE: The shed itself is similar in size and nature to other sheds in your neighborhood?

MS. CAMPBELL: Exactly.

MR. KANE: Not on top of any easements?

MS. CAMPBELL: No. When the previous owner went to sell the house is when all this came up.

MR. KANE: Always does. Any electric running out to the shed?

MS. CAMPBELL: No.

MR. KANE: Even if you're granted a variance for the shed right now you understand that you will have to pass all the regulations from the building department for the shed just to make sure everything else is legal?

MS. CAMPBELL: Yeah.

MR. MINUTA: There's no place else on the property the shed could be relocated?

MS. CAMPBELL: It would be awkward, there's already a slab, it would just be a real mess to move it.

MR. MINUTA: So a financial hardship?

MS. CAMPBELL: Yes.

MR. REIS: Accept a motion?

MR. KANE: Sure will.

MR. REIS: Make a motion that we set up Kathy Campbell to a public hearing for her request for a 6.4 foot side

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yard setback for existing shed at 322 Linden Avenue.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

DONALD DEMATTEO (04-35)

MR. KANE: Request for 12 ft. 9 inch for rear yard setback for proposed 16 ft. x 16 ft. deck at 2816 Cherry Tree Way in an R-3 zone.

Mr. and Mrs. DeMatteo appeared before the board for this proposal.

MR. DEMATTEO: We just have stairs. A lot of people are doing patios which are nice but we're having a baby, I'm afraid if I open the door he'll go right down the stairs or on the patio running off into the neighbor's yards or whatever, deck is a little more access control.

MR. KANE: Sixteen by sixteen you don't feel that's an oversized deck for your particular neighborhood.

MR. DEMATTEO: No, from what I've seen today, it's a small size.

MR. KANE: Again, cutting down any trees or shrubbery?

MR. DEMATTEO: Not even pulling any grass out.

MR. KANE: Create any water hazards or runoffs?

MR. DEMATTEO: No.

MR. KANE: The deck will be similar in nature and size to other decks that are in your neighborhood?

MR. DEMATTEO: Yes.

MR. KANE: Obviously without the deck there or the steps it would be considered a safety hazard to step out that back door?

MR. DEMATTEO: Right.

MR. MINUTA: Just one question regarding the pictures versus the plan, the stairs shown in the plan will not be there for the new deck, correct?

MR. DEMATTEO: No, I'm sorry, I don't have the actual plans but he relocated it, I did put them there.

MR. MINUTA: The steps, the existing steps that are being shown here are also shown on this plan?

MR. KANE: You're going to be flush coming out?

MR. DEMATTEO: No stairs whatsoever, the stairs were on the survey, when I copied it, I should of whited it out, sorry, that's my mistake.

MR. REIS: You're not going over my easements or right-of-ways?

MR. DEMATTEO: No.

MR. REIS: Accept a motion?

MR. KANE: Yes.

MR. REIS: Make a motion we set up the Dematteos for their requested variance for a 12 foot 9 inch rear yard setback for the proposed deck at 2916 Cherry Tree Way.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

ELLA MAE HARRIS (04-12)

Mr. Michael Harris appeared before the board for this proposal.

MR. KANE: Request for lot #1, 62,777 ft. minimum lot area, 35 ft. front yard setback, 6% developmental coverage. Lot #2, 57,666 ft. minimum lot area, 19.4 ft. rear yard setback and 57.4 frontage all at 62 Riley Road in an R-3 zone. First question, is there anybody here for this particular meeting? Okay, we need to, we're going to send a form out that you can put your name and address down so that we have it for the stenographer. At a certain point, we will open it up, at that point, we will allow you to speak or ask any questions that you have, just keep it to the point. Okay, sir?

MR. HARRIS: Michael Harris, the son of Ella Mae Harris here on her behalf. One item I didn't see it on here for lot number 1 there's a variance for the side yard for 38.6, I think the original inspection.

MR. KANE: Yeah, there's a side yard.

MR. HARRIS: Just wanted to make certain that that's there.

MR. KANE: Note that it is not on the agenda for tonight but it was a 38.6 was requested for a side yard on lot number 1. Okay, tell us what you want to do.

MR. HARRIS: This is basically the property which was originally purchased back in 1960, father built a home on it in 1961, there are basically two homes on the lot that have been pre-existing, my mother pretty much was caught in a catch 22 in that the zoning regulations changed prior to her connecting to the central sewer

and water which she has done now but at the time that the connection was physically made, the zoning had changed requiring a lot more frontage and other things which is the reason why we're requesting a variance, granting of the variance wouldn't change anything that's there, the homes are pre-existing, everything is there, we wouldn't be making any other changes, we're just trying to--

MR. KANE: One home has basically been there since 1960 and the other since 1984?

MR. HARRIS: '84, '85.

MR. MINUTA: The reason why you're coming to us is a subdivision of the property?

MR. HARRIS: Yes.

MR. KANE: The two story brick in the back of the dirt road, their exit is going to be out to the gravel and dirt road over here?

MR. HARRIS: Yes.

MR. MINUTA: The gravel and dirt road is owned by whom?

MR. HARRIS: One half by us, the other half by the people who own the property currently, the Fitzgeralds, I don't know their name.

MR. KANE: To your knowledge, have there been any complaints formally or informally?

MR. HARRIS: Not to my knowledge.

MR. KANE: About the second home on the property?

MR. HARRIS: No.

MR. KANE: Cutting down of any trees, substantial shrubbery?

MR. HARRIS: No.

MR. KANE: Create any water hazards or runoffs?

MR. HARRIS: No.

MR. MINUTA: With regard to the, my only concern is the gravel and dirt driveway and with the ownership of the driveway will we need approval from apparently this is owned by two parties?

MR. HARRIS: It's owned by one currently right now my mother owns both.

MR. MINUTA: Including the gravel and dirt drive?

MR. HARRIS: Correct.

MR. KANE: So there will be, is there going to be an easement to this driveway for this house going back here?

MR. HARRIS: That's correct.

MR. KANE: We went over the, I'm going to open it up to the public at this point, okay, any questions you have to ask please ask, try to direct them to me.

MR. MINUTA: Your name for the record?

MR. MCCARTHY: Paul McCarthy, I live right next door. This is the existing, your mom's home?

MR. HARRIS: No, my mother lives in this home.

MR. MC CARTHY: Your mom lives here, this home here is this--

MR. HARRIS: It's also owned by my mother.

MR. MC CARTHY: Where is the development going to be?

MR. KANE: Nowhere. These two homes are on one lot, they want to cut it in half and split it, this home has been existing since 1960, this one since 1984 so basically they're not going to be building anything new, they're just going to separate the lot into two separate lots for each home.

MR. MC CARTHY: This particular leeway and everything now you say that's owned by people who live here, here and yours?

MR. HARRIS: Correct, this used to be a railroad, when the railroad closed down, they took up the tracks, they actually went to court to settle who owned the road that was left behind and the court awarded this property owner one half and awarded us one half of it also.

MR. MC CARTHY: My understanding this was supposed to be a garage, when did that change?

MR. HARRIS: It's always been a house since at least 1984.

MR. KANE: We don't know.

MRS. MC CARTHY: We moved in in 1986, wasn't built until 1990, 1991, if that's the same house.

MR. HARRIS: No, I think my father I think had a stroke.

MR. KANE: Your name and address?

MRS. MC CARTHY: I'm Donna McCarthy.

MR. REIS: While he's researching that, Michael, question, are there existing C.O.s for the houses the way they are?

MR. KANE: With just the splitting of the lot knowing that they're not going to be doing any building, extra building or anything like that, do you have any problems with this?

MR. MC CARTHY: Right now, how many residents are in this home?

MR. HARRIS: There's two.

MR. KANE: They would be considered a single family home. It's not going to be considered anything else.

MR. MC CARTHY: How would that change? When I first moved in, one of the things I was trying to do is the fact that everybody seemed to have like an acre, now it looks like it's being divided up where we're going to have smaller pieces of property.

MR. KANE: Well, the only thing I can say is that we act on this board to each request as an individual item, we don't set any precedents for anybody. My current feeling on this particular one is that the one house predates zoning and the other has been there for I don't know closing 15, 20 years, whatever, depending on whose memory is right. But still the other option would be to make them tear down that house, if I know this board in particular that if this was just coming in to split with the idea of putting up a new home, I highly doubt they would get passed this board in that particular area on that, so but since this is already pre-existing, we would feel that's for the family a financial hardship, at least I would to tear the house down at that point so but we do each thing as an individual thing, there are no precedents set here for

each property owner comes in individually.

MR. MC CARTHY: Were there C.O.s?

MR. BABCOCK: I don't have them in this file.

MR. MC CARTHY: Cause I was under the impression it was going to be a garage and now it's a dwelling and now they're splitting the parcel.

MR. HARRIS: I know it's been in New Windsor records because when I came up to initially research it they had it listed as a dwelling and at least that's where I got the initial data from was from the records.

MR. KANE: You have been paying taxes or the family has been paying taxes on both residents since then?

MR. HARRIS: That's correct.

MRS. MC CARTHY: What exactly does it mean the 35 foot front yard setback?

MR. KANE: It's not going to do anything, this home right here is built right on the property line so it needs to have an offset.

MR. MC CARTHY: One other thing--

MR. KANE: And this predates zoning so this is grandfathered in basically but we like to clear all those things up and put it on the record so people don't have to come back a second time if they want to get a loan from a bank, they'd require something in writing that this has been addressed so we under those circumstances try, try to get everything cleared up.

MR. MC CARTHY: These particular measurements, how recent were these done?

MR. HARRIS: This was done by Daniel Yanosh.

MR. MINUTA: February 5th.

MR. MC CARTHY: One of the things brought to our attention when we bought our home which is an oddity is that actually our property was one foot of our property was covered over their house and I remember bringing this to your father's attention, he was, this is before he had his stroke, he was very upset about it when he did the measurements, he was upset that they come and he said at the time he said that he did not want to argue about this but my lawyer suggested that I bring it to his attention. I know your mom knew about this that one foot of your house is actually on my property now, since then, they have built what was supposed to be a garage, now it's not a garage, it's a dwelling. This is news to us, it's not, and you're telling me there's no C.O.s?

MR. BABCOCK: Well, I don't have any in this file. There would have to be an actual title search to prove that but I do find some paperwork located in here that says garage on it but I don't, it's not something I can do to figure out which one is what you have is multiple buildings on one lot so you've got a file that's got all kinds of different stuff but there's a building permit application here that says garage on it.

MRS. MC CARTHY: What was the date?

MR. BABCOCK: It's not dated there, there's no date, there was some paperwork here as far as an area variance that was sought for a height, it says accessory structure not more than 15 foot high, so there's a very good possibility that this was originally built as a garage, it appears to be now that you're saying that and it shows.

MRS. MC CARTHY: It's fully two stories.

MR. HARRIS: It's always been just like that, my father built that structure now in terms of what it may have started out prior to 1984 I don't know.

MR. BABCOCK: Some of the paperwork says garage and attached to the paperwork they show it's a two story living room with bedrooms, garage, kitchen so I'm not sure, I don't understand the paperwork quite honestly.

MR. KANE: That's enough. So the one foot on your property has nothing to do with this board, that's something between you and the neighbors and your lawyers, that's not something that we can decide right here, all we're deciding on is what they applied for which is their variances which we'll vote on based on the information that we have. So at this point, do you have anything else that you want to add or an opinion that you want to state?

MRS. MC CARTHY: No.

MR. KANE: You're for or against?

MR. MC CARTHY: Well, I feel a little uncomfortable where this is Mr. Harris we're going to tell you what we feel right now in front of Mr. Harris, that's--

MR. KANE: This is when you have to speak up, you're either against it or you're not against it, you can't be in the middle. Well, you can but, you know, as far as where the footage and that building, again, we have no power.

MRS. MC CARTHY: You're simply stating that all you're going to do is break it up into two lots that I assume then you can sell the houses separately.

MR. HARRIS: Correct.

MRS. MC CARTHY: No other construction is going to take place? That what's our biggest concern, that was really the main concern.

MR. KANE: There's no construction application here in front of us, just to clear up the little odds and ends that are on both houses that have been existing as far as we know in the paperwork that we have had for quite a while, this house has been there for 60 years, the one with the one foot problem 1960 rather but that's a long problem if that house is one foot on the other property somewhere a surveyor had a problem.

MR. MC CARTHY: Well, I wanted to address it now because I know that down the line if the properties are going to be sold this is going to come up.

MR. KANE: Not being a lawyer I can't tell you what to do, that's nothing that this board itself can handle, that's something that's litigation, I don't know what the law is with a home that's been there since 1960 and 50 something years later, 45 years later that you're going to argue that it's a foot off, not saying you're wrong, I'm just saying I think there's some kind of a statute of the limitations or something on that but again, that's not our realm, that's not something that we'd handle at all, that's something that has to be done between surveyors, litigation going back on title searches, the whole 9 yards, that goes back a long time.

MR. REIS: Could be a simple agreement between the neighbors saying this will be our yard and that's it but that's something you can take care of.

MR. MC CARTHY: I'd like to do that at another time, we can agree to talk.

MR. REIS: So you have no--

MR. MC CARTHY: I will say I remain neutral.

MR. KANE: Thank you. Anybody else would like to speak for this public hearing?

MS. FRATTO: Can I just see where it in relationship to our house? Tina Fratto (phonetic), 1098 Route 94 in Vails Gate.

MR. KANE: Both these houses are here, this has been existing since 1960, somewhere in the '80s and what they're looking to do is just split it and make it into two existing, the buildings are existing, there's no--

MS. FRATTO: I have no objection. Thank you.

MR. KANE: Anybody else? At this point, we'll close the public portion of the hearing and bring it back to the board. Myra, how many mailings did we have?

MS. MASON: On the 20th of April, I mailed out 33 addressed envelopes and had no responses.

MR. KANE: Any other questions?

MR. REIS: So the sole purpose for doing this?

MR. HARRIS: Just to make right what's already there, I'm not looking to build anything else, not looking to change anything, what's there is there.

MR. REIS: So you have ability to sell the property if you choose to separately?

MR. HARRIS: That's correct.

MR. BABCOCK: Mr. Chairman, just for the board's comfort, if one of these properties are sold and I'm sure some of the members are familiar there will be a title search and if they don't have a C.O. they're

going to need to get one at that time or they're going to have a problem doing it so I'm not able to do that tonight.

MR. KANE: That's fine. So you understand that any, even if you're granted any of these variances right here both homes are still subject to inspection by the building department and bringing them up to snuff.

MR. HARRIS: Okay.

MR. REIS: Just want to make a comment, this is a drastic proposal that's not changing the lay of the land, it's not really affecting the neighbors in any way, but it's just for the record probably one of the most drastic applications that we've had for lot size.

MR. KANE: Yeah, if the homes weren't existing, as long as they were, I'd have a real problem with it but--

MR. BABCOCK: Maybe I can make you feel a little bit comfortable about that, the zoning in this area used to be with water and sewer 15,000 square feet and then one of the lots is 17,223 and the other one is 22 so if he came in with this proposal to do this approximately three years ago he wouldn't need the area variances as far as lot size.

MR. HARRIS: Right, we couldn't do it at that time because they hadn't extended water and sewer, we were just shy and when they did the zoning had changed.

MR. MINUTA: So there's existing water and sewer connected to both residences?

MR. HARRIS: That's correct.

MR. MINUTA: Thank you.

MR. KANE: Just in case we didn't cover it, any

complaints formally or informally about either building?

MR. HARRIS: No.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I'd like to cover this lot 1 and lot 2 together simultaneously, make a motion that we pass Ella Mae Harris' request for variances for lot 1, 62,777 foot minimum lot area, 35 foot front yard setback, 6 percent developmental coverage and 38.6 side yard setback and also for lot 2, 5,666 foot minimum lot area, 19.4 foot rear yard setback and 57.4 foot frontage all at 62 Riley Road.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

ANTHONY ALBANESE (04-22)

MR. KANE: Request for 16 ft. rear yard setback for proposed deck at 2301 Pioneer Trail in an R-3 zone.

Mr. Anthony Albanese appeared before the board for this proposal.

MR. REIS: I just want to declare to the board for the record that I am presently doing business with Mr. Albanese and partners but in no way is my voting on this going to affect or my opinions on this will not affect--

MR. KANE: Your business relationship will have no affect on your ability.

MR. REIS: That's correct, thank you for noting that. Anthony, speak up, tell us what you want to do.

MR. ALBANESE: I'd like to put a deck on the back of my house, 16 foot deck.

MR. KANE: Seems to be the trend. Same questions, cutting down any trees or substantial shrubbery with building of the deck?

MR. ALBANESE: No.

MR. KANE: Create any water hazards or runoffs?

MR. ALBANESE: No.

MR. KANE: Deck is similar in size and nature to other decks in the neighborhood?

MR. ALBANESE: Yes.

MR. KANE: Any easements in your back yard where the deck is going to go?

MR. ALBANESE: No.

MR. KANE: Obviously without the deck there or your stairs that go like this there would be a safety hazard coming out of the back door?

MR. ALBANESE: Yes.

MR. REIS: For the record, this is going to be similar to other decks in your area?

MR. ALBANESE: Yes.

MR. KANE: Your deck is not going to extend passed the house on this side, right?

MR. ALBANESE: No.

MR. KANE: You're one of the lucky guys with two front yards.

MR. ALBANESE: I know, not very lucky.

MR. KANE: At this point, I will open the meeting up to the public, ask if there's anybody here for this particular hearing. Nobody cares? We'll close the public portion of it ask Myra how many mailings we had.

MS. MASON: On April 20th, I mailed out 56 envelopes with the notice of public hearing and I had no responses.

MR. BABCOCK: The Town of New Windsor is his rear yard neighbor, the park, just so you know.

MR. KANE: Do they have a complaint?

MR. BABCOCK: No.

MR. MINUTA: Mike, what's the current side yard setback?

MR. KANE: In his area, ten foot.

MR. BABCOCK: That's a special one too, Mr. Chairman, this was the development that was approved in the '70s.

MR. ALBANESE: I believe my side yard on that side is 12 feet.

MR. BABCOCK: His, yeah, his minimum is 12 foot side yard, 30 foot rear yard, he has 30 foot 6 and a 25 foot front yard is what the requirements are and that's that development.

MR. MINUTA: Correct me if appropriate here but if the deck is coming out on looks to be the right-hand side of the property, he may need a side yard variance as well, if it comes out straight against the wall of the house as shown here, just want to cover it for you.

MR. KANE: It's going towards the Liberty Ridge street side.

MR. MINUTA: So if you're coming out 14 feet this way.

MR. ALBANESE: Sixteen feet.

MR. MINUTA: By the time you get out here 16 feet or so it would appear to me that you may be encroaching your side yard.

MR. KANE: Because your property line runs at an angle.

MR. BABCOCK: You're right.

MR. ALBANESE: I didn't notice that.

MR. REIS: Can we get that into the record now?

MR. ALBANESE: But if it's ten feet, do you think it would be affected?

MR. MINUTA: I don't have a scale, I'm not sure at this point. If we say this is your deck in line with the house up to this point you're okay, once you move beyond this point, it's sketchy.

MR. REIS: Can we adjust the request for a variance to include his side yard not to be in excess of two feet?

MR. BABCOCK: Or this particular proposal his deck he's showing is it actually goes out 16 or 18 in that corner.

MR. ALBANESE: It's 16.

MR. BABCOCK: So I would say that the proposal that he can't go any farther than 16 feet whatever that is cause I don't have that measurement myself.

MR. REIS: You understand what we're trying to do?

MR. MINUTA: Trying to cover all the bases for you.

MR. ALBANESE: In case there's any complaints down the road.

MR. KANE: An issue with the bank.

MR. ALBANESE: I never thought of that.

MR. MINUTA: Is that acceptable?

MR. KANE: How many feet did you say?

MR. MINUTA: Doesn't--

MR. BABCOCK: I'm going to say two foot myself.

MR. KANE: Let's give him a little leeway and call it 3 feet so we want a three foot side yard variance, correct?

MR. REIS: Not to exceed.

MR. KANE: Right.

MR. BABCOCK: So the required is 12 and he's gonna propose 9 and he will need a variance of side yard of three foot.

MR. KANE: That should cover it that, okay with you to make those changes?

MR. ALBANESE: Make the changes here or go through the process?

MR. KANE: No, we're trying to save you from going through the process. Are we on fairly solid ground?

MR. KRIEGER: Yes.

MR. BABCOCK: The proposal has not changed, what he's proposed here that's not changed, the whole layout has not changed so he's not trying to make the deck bigger tonight so we feel that we're comfortable with it.

MR. KANE: Just the angle of the property line.

MR. MINUTA: In that case, if that's a concern, could we word this that the deck would fall flush in line with the side wall at that angle rather than grant a two foot or three foot that it's within that variance?

MR. KANE: Sixteen feet out, it's flush with the side of the house.

MR. MINUTA: Correct.

MR. KANE: You get to word it.

MR. KRIEGER: Well, what you do you can ask if you want to you can grant the variance he requests but put that in as a condition, we'll put that in in the end.

MR. KANE: Three foot in keeping.

MR. KRIEGER: Well, flush.

MR. KANE: Okay, anything else?

MR. MINUTA: Accept a motion?

MR. KANE: Yes.

MR. MINUTA: Make a motion that we grant Anthony Albanese his requested 16 foot rear yard setback for the proposed deck at 2301 Pioneer Trail and addendum to that being that the deck not exceed 16 feet on the--

MR. BABCOCK: It's the south side.

MR. MINUTA: --on the south side, so then the easterly wall, so the deck would not extend passed the easterly wall in the same direction and bearing as said wall.

MR. ALBANESE: It wouldn't have any affect, if I, like my railing say this is my house and this is my deck and my railing comes out over here, would it be affected by that cause it wouldn't be completely? Do you know what I mean? All it would be would be railing deck.

MR. BABCOCK: No, the deck is straight out from your house.

MR. KANE: If the railing overlaps, that's okay. Up to a possible three foot side yard variance.

MR. MINUTA: Up to and not to exceed a possible three foot side yard variance according to said requirements.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MELVIN BYNUM (04-24)

MR. KANE: Request for 11 ft. front yard setback for existing roof over front porch at 237 Oak Street in an R-4 zone.

Mr. Melvin Bynum, Jr. appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. BYNUM: First I'm here on behalf of my father, Melvin Bynum, Sr.

MS. MASON: I do have a proxy.

MR. KANE: That makes your name?

MR. BYNUM: Melvin Bynum, Jr.

MR. KANE: Okay, sir.

MR. BYNUM: My parents are looking to build an existing, I'm sorry, a roof over their existing front porch which will need a variance.

MR. KANE: Currently coming out your front door you just have a cement--

MR. BYNUM: Yes.

MR. REIS: Excuse me, Mr. Chairman, the application says for existing roof over front porch, you want to create the roof?

MR. BYNUM: Right, right, they want to create one.

MR. REIS: There's no existing roof there now?

MR. BYNUM: There is.

MR. KANE: There is a partial one.

MR. REIS: They want to expand.

MR. BYNUM: Create a new one.

MR. MINUTA: Will it be extending passed the existing roof?

MR. BYNUM: I believe so, yes.

MR. MINUTA: May I see those?

MR. BYNUM: Sure.

MR. MINUTA: Okay, we're extending passed.

MR. KANE: The deck itself is not going to change?

MR. BYNUM: No.

MR. MINUTA: Just placing a roof where an overhang--

MR. KANE: So you'll be removing the metal overhang there right now and your intent is to put a reverse gable roof in there?

MR. BYNUM: Yes.

MR. KANE: Safety considerations with the roof being put on?

MR. BYNUM: Yes, there are, yes, there are.

MR. MINUTA: It would prohibit rain, snow and ice from going on the deck or at least help to resist that on the stairs and steps itself?

MR. BYNUM: Yes.

MR. KANE: With the addition of the roof onto the front of the house, will that extend your house closer to the road than other homes that are on your street?

MR. BYNUM: I don't believe so, no.

MR. KANE: The existing metal roof that's there, is that a legal thing or is that just--

MR. BABCOCK: Well, this will fix it.

MR. KANE: My point being do you know if your parents had any complaints on the existing roof that were either formal or informal?

MR. BYNUM: None at all.

MR. KANE: Obviously not cutting down any trees or water hazards?

MR. BYNUM: Correct.

MR. KANE: No easements or setbacks in that particular area?

MR. BYNUM: No.

MR. MINUTA: It will not be projecting further?

MR. KANE: Yes. At this point, I will open it up to the public and ask if there's anybody here for this particular hearing? No? We'll close the public portion of the meeting, ask Myra how many mailings.

MS. MASON: On April 20th, I mailed out 77 envelopes and had no response.

MR. KANE: Gentlemen, any other questions?

MR. MINUTA: Accept a motion?

MR. KANE: Yes.

MR. MINUTA: I make a motion that we grant Melvin Bynum his request for 11 foot front yard setback for the existing roof over the front porch as well as the proposed roof over the front porch at 237 Oak Street in an R-4 zone.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: There's no variance for the existing roof, it's only for the proposed roof so just want to make sure the words are correct that the old roof is going and we're putting a new one.

MR. MINUTA: Will you be willing to submit this for the record?

MR. BYNUM: Sure.

MR. MINUTA: As submitted a roof over existing deck for the Bynum residence as prepared by Cuomo Engineering, New Windsor, New York that we grant the variance for the plans as indicated and submitted to the board.

MR. KANE: Good, thank you.

RICHARD FARROW (04-25)

MR. KANE: Request for 7 ft. side yard setback and 23 ft. rear yard setback for existing attached pool deck at 545 Shore Drive in an R-4 zone.

Mr. Richard Farrow appeared before the board for this proposal.

MR. FARROW: Richard Farrow, Shore Drive. This is to complete the pool deck.

MR. KANE: Right.

MR. REIS: How long has the pool been there including the deck?

MR. FARROW: The pool was put in last August and the deck was starting to be constructed last September and we had called in the inspectors to, I had some contractors putting the deck up to guide us on it and then we found out that because it was after we got the permit we found out because it was as close to the house, the existing house as it is that it had to be considered part of the house and therefore we had to use the same setbacks that you would for a normal deck which we didn't know at the time that we put the pool up.

MR. KANE: Taking the deck all the way around the pool?

MR. FARROW: Yes.

MR. KANE: You consider the deck with the railings to be a safety feature for you with that pool?

MR. FARROW: Yes, definitely, cause we had to build a railing to 4 feet.

MR. KANE: Self-closing, self-latching gates?

MR. FARROW: Right.

MR. MINUTA: The photos are unclear to me, is that a gate at the stair?

MR. FARROW: Yes, they had to cover it up, I think that was a spec for the gate but now we're going, if you go to the plan what we're going to do is just eliminate that gate and put it here off the patio and then just complete this section of the--

MR. MINUTA: So you would be moving to this section, is that correct, this stair?

MR. FARROW: There won't be a stair, it will just be from the patio to the pool just one entrance.

MR. MINUTA: Okay.

MR. KANE: The deck itself is going to be similar in nature and size to other decks in your neighborhood?

MR. FARROW: Yes, I would think so.

MR. KANE: You do feel the construction of the deck is going to be--

MR. FARROW: It's required for safety and comfort at the pool, it's an above-ground pool.

MR. REIS: You're not going over any easements or right-of-ways?

MR. FARROW: No.

MR. KANE: Cut down any substantial shrubbery?

MR. FARROW: No.

MR. KANE: Okay, at this point, I will ask if there's anybody in the public for this particular meeting? Your name and address, please?

MS. LIPPER: I'm Lois Lipper, I'm at 547 Shore Drive.

MR. KANE: What question do you have?

MS. LIPPER: I have several questions. Number one, the deck is not like, I do not know of another deck that's 23 feet from the lake and that's over 6 feet high, I have not seen another deck like that in our neighborhood, that's number one. Number two, I bought my house, it had a stockade fence, it's a privacy fence, it's taller than I am, I would assume it's 6 feet high. When people stand on his deck, their feet are at the top of my privacy fence, they can look into my yard. Not only have I lost my privacy, but it makes my house much less salable in the future. I would not buy a house where people could be standing peering into my yard like that, so I find this very upsetting.

MR. MINUTA: From your explanation, I take it you own the property adjacent?

MS. LIPPER: Yes, I do and he wants to build 7 feet from my existing fence, he's already close enough that if people were standing there, there's no way I can screen it either because what I have on that side is hard scrabble, I don't even know, I think there used to be a long time ago there must have been asphalt or something there, nothing's going to grow there for me so it's just very upsetting because you know if it were 15 feet even that would be upsetting because somebody whose feet go to the top of my fence means that I have lost my total privacy.

MR. FARROW: Lois, we spoke about this.

MS. LIPPER: No, you told me you did it, there would be

a variance.

MR. FARROW: And you said that--

MS. LIPPER: I didn't say.

MR. FARROW: You said if we get a tree.

MS. LIPPER: No, I didn't say that.

MR. FARROW: You said I'll chip in with you to get a tree.

MS. LIPPER: No, I said I would think about it, you spoke to me after this letter was sent out and I said maybe and I have thought about it, there's no tree that's going to grow there.

MR. FARROW: This is Mrs. Lipper's house right here and as you can see, it's raised above, right now the trees have grown, there's a huge pear tree and two other trees and there's about 4 feet of space that you can actually see into Lois' yard now, Lois just added a deck.

MS. LIPPER: Fifteen feet, that's okay, you have decks over here, I have never objected to your decks because when I bought the house my understanding was someone could build a deck but they could not build, they had to be 40 feet from the lake if they went over 3 feet in height, that was my understanding.

MR. KANE: So I take it you're against?

MS. LIPPER: I really am, yes.

MR. FARROW: Well, I think Lois just one thing for clarification I'm not a speculator, I'm not a developer, five years ago we through sickness and death we inherited our grandchildren and we're raising two

grandchildren that are 10 and 11 years old, this back yard is basically for them with the pool and the trampoline and things like that so we didn't do this to upset Lois and I think there's a way that, I mean, the lots are small, there's no getting away from them.

MS. LIPPER: You should of asked for a variance before you built it.

MR. FARROW: Well, what happened is we had gotten the pool okay for the above-ground pool, we got the permit and there was no variance needed, it was just fine and then we, when we decided to put the deck around it all of a sudden things changed.

MS. LIPPER: But you didn't ask for a variance.

MR. KANE: Can't get a variance until you put in the application but we're not here for you to debate with your neighbor, you're here to express your opinion to me.

MS. LIPPER: Okay, may I say something? I don't want to be made out as a bad guy because somebody built not according to code without permission to a public hearing, I'm not a bad guy.

MR. KANE: Nobody's making you to be a bad guy but that's what a court of appeals is is for them to get, to appeal for a change, a variation in the loss and that's why he's here, this is exactly the place he should be.

MS. LIPPER: Okay.

MR. KANE: Okay, do you have anything else that you want to say for this?

MS. LIPPER: Let me just think for a minute.

MR. KANE: Sure, sure, take your time.

MS. LIPPER: I guess there's nothing. The only other thing as I said before if you look along Shore Drive and you look at all the houses and I have been on a boat so I know there's not a house that has that kind of structure.

MR. KANE: No, when we were talking about similar in size, we're talking about the nature of the deck itself around the pool, this is not an overly big deck in the location that it is, it might be a little unusual but it's not an overly big deck, but just from what I see here in the records but so noted. Anything else?

MS. LIPPER: No, that's it.

MR. KANE: Thank you very much. Anybody else? At this point, I'll close the public portion of the meeting and ask for how many mailings we had?

MS. MASON: On April 20th, I mailed out 45 envelopes and no responses.

MR. REIS: Michael, is there a minimum? I don't know what the code is on this so help me out here and the board perhaps is there a minimum requirement setback from the lake, from the shore of the lake?

MR. BABCOCK: No, there's a setback from his rear property line but not the lake, you know, the lake could get higher or lower where his property line is by Town Code is what his setback is, he's not affecting that.

MR. MINUTA: So there are no special requirements on the lake as far as the setback? She mentioned 40 feet 3 feet tall within 40 feet.

MR. BABCOCK: Well, that's not a Town of New Windsor

regulation that she might be speaking of, she may be speaking of a deed restriction, I don't know if there's a deed restriction anywhere but the Town of New Windsor's requirements is that the rear yard be 40 feet but it's from his property line, it's not from the water edge.

MS. LIPPER: I was told I couldn't build a deck in the front of my house toward the lake because I'm too close and my neighbor was told the same thing that's now building this that we have to be 40 feet from the lake to build something.

MR. BABCOCK: It's a 40 feet rear yard.

MS. LIPPER: From the lake.

MR. KANE: The property line.

MR. REIS: His property line may go into the water.

MR. KANE: It's from the property line, not from the lake and some people depending on how high the lake gets sometimes your property line is under water out there, that's just the way it is out there.

MS. LIPPER: I know my neighbor wanted to build a deck and was told not to.

MR. KANE: Ma'am, honestly right now that's hearsay, your neighbor's not here, I don't know who told him, I don't know the specifics of it, anything specific would be more than welcome. The deck right here going all the way around the pool, is this all the same level?

MR. FARROW: Yes.

MR. KANE: And this is level with the height of the pool?

MR. FARROW: Yes.

MR. KANE: You have a 52 inch high ledge?

MR. FARROW: Yes.

MR. KANE: So the height off the ground on your deck back here has to do with the ground sloping down a little bit?

MR. FARROW: Yes.

MR. KANE: You built up to put the pool in?

MR. FARROW: No, we actually took dirt away and made a pad for it with reinforcements around it and then put the pool on that and then we were building the deck up from that.

MR. KANE: So this whole platform around the deck that's all one height and it's equal to the pool, it's not higher than the pool?

MR. FARROW: That's correct.

MR. MINUTA: Counselor, is there any requirements for privacy screening within the zoning law?

MR. KRIEGER: No.

MR. REIS: Mr. Farrow fortunately started this without the necessary approvals, okay, and you got from what I am looking at these pictures you have extensive cost and created something that's very attractive but you've got a lot of cost.

MR. FARROW: Yes, very observant.

MR. REIS: We don't want to be difficult but in due respect to your neighbor, is there any way that you

could take part of your deck and just help me out here, your neighbor is to this side?

MR. FARROW: Yes, this is her yard. As you can see, it's fairly low grown with shrubbery and then this is her house.

MR. REIS: It's unfortunate that's the way it is, before you go any further, just a suggestion, I'm not making any demands, is there any way you can take this away and bring more deck around this side so you're not going to have this?

MR. FARROW: Not really because let me get you one other picture, see we have, we put this patio here that's adjacent to the deck and we're going to come back and put the deck from there to here and just have a gate onto the deck and the patio.

MR. MINUTA: And your neighbor is this house?

MR. FARROW: That's her, yeah.

MR. MINUTA: So the stated objection is that there's a privacy issue but the deck is here and because there's currently nothing to screen except this portion here?

MR. FARROW: Well, this is wintertime but this is the space between where the deck is now and where the fence is and this is all this, this tree, now fully bloomed and there's two other trees, you can't really get close to the fence, that's why when I spoke to Lois and she said well, maybe if we put up another tree that would be, you know, good enough for her but now she's changed her mind a little bit so--

MR. MINUTA: I'm not here to arbitrate whether you should or should not but I sympathize with her request from the privacy issue, I'm not sure what avenue we can take to assist in that, whether evergreen trees being

planted along that line may help.

MR. KANE: You can add that in as part of it.

MS. LIPPER: I have a question about is it possible to put a fence, a 6 foot, add 6 feet of fence just where I see the pool? That would be satisfy me totally.

MR. BABCOCK: The railing of your deck instead of being 4 foot high the area that she's talking about--

MS. LIPPER: No, what I'm saying is for my privacy, I have a 6 foot fence, can they put, because if somebody stands on their deck, they're going to be 6 feet above my 6 foot fence, can a 6 foot fence be tacked on to my fence just in that area?

MR. MINUTA: That becomes a structural issue.

MR. BABCOCK: I don't know how big this area is where your deck is but on the edge of your deck that faces her house in that area put a 6 foot high railing with privacy slates in it so when he's sitting on his deck--

MS. LIPPER: That would be fine.

MR. BABCOCK: And I haven't been there myself for this, is her house here and she's complaining that from the deck you can look into her yard?

MR. FARROW: So on the side where the railing is back you're suggesting--

MR. BABCOCK: Board and batten fence maybe.

MR. FARROW: To come up along that side.

MR. BABCOCK: Well, this is the side of her house here, there's only a section that, you know, a section from where her--

MS. LIPPER: It would more than satisfy me, I don't want to be difficult, I just don't want to lose my privacy and I think I have that right.

MR. FARROW: She seems to be saying if we put one of those crisscross kind of lattice type lattice, I guess.

MS. LIPPER: Whatever, just so people can't look into my yard.

MR. KANE: You'd be willing to do that if it was approved?

MR. FARROW: I think so. Do we need to do that to get it approved?

MR. KANE: If that's the way the motion may be carried for you to do something like that, so it depends on what the board wants. Any other questions?

MR. MINUTA: I'd like to make a motion if you'll accept one.

MR. KANE: I'll accept one.

MR. MINUTA: Mr. Chairman, I make a motion that we grant Richard Farrow his requested 7 foot side yard setback and 23 foot rear yard setback for the existing attached pool deck at 545 Shore Drive in an R-4 zone with the contingency that anesthetic screen element be placed between the properties as acceptable to both parties.

MR. KANE: Fair enough for you, sir?

MR. BABCOCK: Along the top of the deck, right.

MR. MINUTA: Along the top of the deck or that may come out another option thinking off the top of my head

maybe the tall evergreens, that way the deciduous trees are not losing the leaves.

MR. KANE: To put anything on the fence when the wind comes through it's probably going to take off, to double up the fence that's not an option so it--

MS. LIPPER: Lattice is okay.

MR. BABCOCK: If you make his railing 6 foot high.

MR. KRIEGER: She's talking about him putting it.

MR. MINUTA: He could attach, if the railing is three foot now attach another three foot section would give you 6 feet and unless you have, your guests were over 6 foot tall peaking over.

MR. BABCOCK: So in this section just raise the railing and put the lattice and she would be satisfied and that would make the board--

MS. LIPPER: That would be fine.

MR. REIS: Second it.

MR. KANE: That's okay with you, sir?

MR. FARROW: That would be fine.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

JOHN BROWN (04-26)

MR. KANE: Request for 6 ft. fence to project closer to the road than existing house at 2702 Colonial Drive in an R-3 zone.

Mr. and Mrs. John Brown appeared before the board for this proposal.

MR. KANE: Doesn't look like there's anybody here. Tell us what you want to do, sir.

MR. BROWN: Just want to put a 6 foot fence around the back of the property.

MR. KANE: We're getting all the corner lots from there, aren't we? Main concern how high is the fence?

MR. BROWN: Six foot.

MR. KANE: Main concern on the Independence Drive area do you believe that the fence will not inhibit the vision of any cars coming up there?

MR. BROWN: Absolutely not.

MR. KANE: Cutting down any trees or shrubbery?

MR. BROWN: No.

MR. KANE: There's not a tree to be seen.

MR. BROWN: Weeds and rocks all over the place, that's it.

MR. KANE: Any water hazards or runoffs with the building of it?

MR. BROWN: No.

MR. KANE: Any easements?

MR. BROWN: No easements.

MR. KANE: And the reason you're putting up the fence?

MR. BROWN: For privacy and I have two dogs.

MR. KANE: Privacy and safety issues?

MR. BROWN: Yes.

MR. REIS: What type of fence is it going to be?

MR. BROWN: It's a maintenance free vinyl fence.

MR. REIS: Solid fence?

MR. BROWN: Yes.

MR. KANE: At this point, I'll open it up to the public and ask if there's anybody that wants to speak on this? Seeing that there's nobody there, we'll close the public portion of the hearing, ask Myra about the mailings.

MS. MASON: On April 20th, I mailed out 43 envelopes, no responses.

MR. KANE: Any other questions? Are we putting a deck on?

MR. BROWN: No.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we grant Mr. Brown's request for 6 foot fence to project closer to the road

than the existing house at 2702 Colonial Drive.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

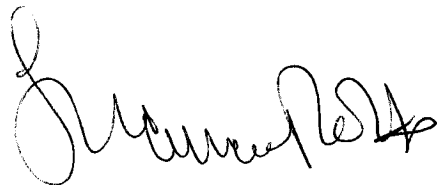
MR. REIS: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

Respectfully Submitted By:

A handwritten signature in black ink, appearing to read 'Frances Roth', with a stylized flourish at the end.

Frances Roth  
Stenographer